

AMENDED IN ASSEMBLY JUNE 15, 2004

AMENDED IN SENATE APRIL 30, 2003

AMENDED IN SENATE APRIL 10, 2003

**SENATE BILL**

**No. 855**

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**Introduced by Senator Machado**

February 21, 2003

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~~An act to add Section 1516 to, and to add and repeal Sections 1516.1, 1516.2, and 1516.3 of, the Health and Safety Code, An act to add Sections 1516 and 1526.8 to, the Health and Safety Code, relating to care facilities.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 855, as amended, Machado. Community care facilities: temporary emergency shelters.

Existing law provides for the licensure and regulation by the State Department of Social Services of community care facilities, including facilities that provide care for children. Violation of the provisions relating to community care facilities is a misdemeanor.

This bill would include a temporary emergency shelter within the definition of a community care facility. The bill would define a temporary emergency shelter as a facility that provides short-term, 24-hour nonmedical residential care and supervision for children under 6 years of age, who are placed for temporary emergency care due to a crisis or a stressful situation for stays up to 30 days. ~~The bill would establish requirements for the personnel, physical site, and operation of a temporary emergency shelter, would require the department to adopt regulations in accordance with these requirements, and would provide that the requirements shall remain in effect only until the effective date~~

~~of the regulations adopted by the department, and as of that date would be repealed. The bill would provide that its provisions and the regulations adopted by the department pursuant to the bill shall replace existing statutes and regulations with respect to any group homes that meet the definition of a temporary emergency shelter.~~

*This bill would provide that exceptions to group home licensing requirements for county operated or county contracted emergency shelter care facilities shall apply also to temporary emergency shelters and would require the department to grant waivers for the use of volunteers and allowing modified staffing levels in temporary emergency shelters.* Because it would change the definition of a crime, this bill would create a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1 SECTION 1. (a) The Legislature finds that there exists a  
2 class of residential care facilities outside of the traditional  
3 spectrum of community care facilities, that provide temporary  
4 emergency shelter for children of families in crisis, help parents  
5 address issues that lead them to seek assistance, and dedicate  
6 themselves to preventing the occurrence of child abuse in these  
7 families. By providing an option for voluntary,  
8 non-state-mediated placement, and by providing supportive  
9 services to families in need, these temporary emergency shelters  
10 serve to prevent the need for more serious intervention in the form  
11 of child protective services or the foster care system.

12 (b) The Legislature further finds that temporary emergency  
13 shelter provide a service currently undefined by existing law, and  
14 that it is the intent of the Legislature in enacting this act to develop  
15 policies to ensure that these facilities may successfully carry out  
16 their mission of child abuse prevention, while ensuring the quality  
17 care and safety of the children under their responsibility.



1 SEC. 2. Section 1516 is added to the Health and Safety Code,  
2 to read:

3 1516. (a) ~~For purposes of this chapter:~~

4 ~~(1)~~

5 (a) “Community care facility,” pursuant to Section 1502,  
6 includes a temporary emergency shelter.

7 ~~(2)~~

8 (b) “Temporary emergency shelter” means the provision of  
9 short-term, 24-hour nonmedical residential care and supervision  
10 for children under six years of age, who are placed for temporary  
11 emergency care due to a crisis or a stressful situation, for up to 30  
12 days.

13 ~~(b) The department shall adopt regulations establishing a~~  
14 ~~subcategory addressing the differing needs and personnel of~~  
15 ~~temporary emergency shelters, in accordance with this section,~~  
16 ~~and Sections 1516.1, 1516.2, and 1516.3. This section and the~~  
17 ~~regulations adopted by the department pursuant to this section~~  
18 ~~shall replace existing statutes and regulations with respect to any~~  
19 ~~group homes that meet the definition of a temporary emergency~~  
20 ~~shelter.~~

21 SEC. 3. ~~Section 1516.1 is added to the Health and Safety~~  
22 ~~Code, to read:~~

23 1516.1. ~~The following personnel requirements shall apply to~~  
24 ~~a temporary emergency shelter:~~

25 ~~(a) (1) All staff members shall complete eight hours of initial~~  
26 ~~training, divided as follows:~~

27 ~~(A) Four hours of temporary emergency shelter job shadowing.~~

28 ~~(B) Two hours of review of community care licensing~~  
29 ~~regulations.~~

30 ~~(C) Two hours of review of the temporary emergency shelter~~  
31 ~~program statement.~~

32 ~~(2) (A) A facility manager shall have 15 semester units, or~~  
33 ~~equivalent quarter units, in a behavioral science or related field~~  
34 ~~with a passing grade from an accredited or approved college or~~  
35 ~~university, and a minimum of two years experience in the direct~~  
36 ~~care of children, aged 0-5 years, in a licensed group home, infant~~  
37 ~~care center, or comparable group child care program.~~

38 ~~(B) At least three of the semester units required by~~  
39 ~~subparagraph (A) shall include coursework in the care of infants.~~



- 1 ~~(C) At least nine of the semester units required by subparagraph~~  
2 ~~(A) shall include coursework in early childhood development.~~
- 3 ~~(D) At least three of the semester units required by~~  
4 ~~subparagraph (A) shall include coursework in health and~~  
5 ~~psychology.~~
- 6 ~~(3) A senior child care worker shall have 12 semester units, or~~  
7 ~~equivalent quarter units, in behavioral science or a related field~~  
8 ~~with a passing grade from an accredited or approved college or~~  
9 ~~university, and a minimum of one year of experience in the direct~~  
10 ~~care of children, aged 0-5 years, in a licensed group home, infant~~  
11 ~~care center, or comparable group program.~~
- 12 ~~(4) A child care worker shall have one year of experience in the~~  
13 ~~direct care of children, aged 0-5 years, in a licensed group home,~~  
14 ~~infant care center, or comparable group child care program.~~
- 15 ~~(5) A temporary emergency shelter volunteer shall complete~~  
16 ~~training before being counted in the staff ratio.~~
- 17 ~~(6) All facility staff shall complete training and educational~~  
18 ~~requirements before employment.~~
- 19 ~~(7) Training may include, but is not limited to, infant, child, and~~  
20 ~~adolescent development.~~
- 21 ~~(b) (1) A temporary emergency shelter licensee shall maintain~~  
22 ~~a staffing level of one senior child care worker or facility manager~~  
23 ~~at all times.~~
- 24 ~~(2) A temporary emergency shelter licensee shall have a~~  
25 ~~minimum of two child care workers when there are more than three~~  
26 ~~children.~~
- 27 ~~(3) A temporary emergency shelter licensee shall maintain a 2~~  
28 ~~to 10 staff to child ratio at facilities with a census of over six~~  
29 ~~children, commencing at 10 p.m. and ending at 7 a.m.~~
- 30 ~~(4) A temporary emergency shelter licensee shall maintain a 1~~  
31 ~~to 4 staff to child ratio with oncall staff at facilities with a census~~  
32 ~~of fewer than six children, commencing at 10 p.m. and ending at~~  
33 ~~7 a.m. Oncall staff shall be available, as necessary, to assist on duty~~  
34 ~~staff to help children who have difficulty preparing to sleep.~~
- 35 ~~(5) A temporary emergency shelter licensee's staff to child~~  
36 ~~ratio may include a temporary emergency shelter volunteer~~  
37 ~~working with a child care worker.~~
- 38 ~~(6) A child care worker shall be accompanied by a senior child~~  
39 ~~care worker or facility manager at all times.~~
- 40 ~~(7) Onduty staff may not sleep while children are asleep.~~



1 ~~(c) (1) A licensee shall employ or contract with a person to act~~  
2 ~~as case manager to work with families using the temporary~~  
3 ~~emergency shelter.~~

4 ~~(2) The case manager shall meet either of the following~~  
5 ~~requirements:~~

6 ~~(A) Be a social worker with a master's degree in behavioral~~  
7 ~~science from an accredited or approved college or university.~~

8 ~~(B) Hold a bachelor's degree in behavioral science or a related~~  
9 ~~field from an accredited or approved college or university, and~~  
10 ~~have a minimum of two years of equivalent experience in case~~  
11 ~~management.~~

12 ~~(3) The case manager shall do both of the following:~~

13 ~~(A) Complete a needs and services plan for each child or family~~  
14 ~~within 30 days of admission.~~

15 ~~(B) Assist the family with the development of a family action~~  
16 ~~plan at admission, and provide the resources with which to address~~  
17 ~~the resources identified in the action plan.~~

18 ~~(d) This section shall remain in effect only until the effective~~  
19 ~~date of regulations adopted by the department pursuant to~~  
20 ~~subdivision (b) of Section 1516, and as of that date is repealed.~~

21 ~~SEC. 4. Section 1516.2 is added to the Health and Safety~~  
22 ~~Code, to read:~~

23 ~~1516.2. All of the following shall apply to a temporary~~  
24 ~~emergency shelter:~~

25 ~~(a) (1) An age appropriate bed shall be provided for each child~~  
26 ~~who can climb from a crib. No bed may restrict movement from~~  
27 ~~the bed when a child is awake.~~

28 ~~(2) The following beds may be used as appropriate for the~~  
29 ~~child's needs:~~

30 ~~(A) A convertible crib.~~

31 ~~(B) A toddler bed, with or without a one-half side rail.~~

32 ~~(C) A twin bed, with or without a side rail.~~

33 ~~(3) A different configuration of beds, within the required~~  
34 ~~square footage per child per bed, may be provided to meet the age~~  
35 ~~and developmental needs of the children, but at no time shall the~~  
36 ~~licensed capacity of the facility be exceeded.~~

37 ~~(b) Stairways, inclines, ramps, and open porches shall be well~~  
38 ~~lighted, and shall have handrailings and latched gates, to prevent~~  
39 ~~unsupervised climbing.~~



1 ~~(c) The outdoor activity area shall be enclosed with a fence with~~  
2 ~~a latched gate, to provide protection for children and to keep them~~  
3 ~~within the outdoor activity area.~~

4 ~~(d) Children may be limited from access to areas that may be~~  
5 ~~deemed unsafe, including, but not limited to, the kitchen, laundry~~  
6 ~~room, and garage.~~

7 ~~(e) This section shall remain in effect only until the effective~~  
8 ~~date of regulations adopted by the department pursuant to~~  
9 ~~subdivision (b) of Section 1516, and as of that date is repealed.~~

10 ~~SEC. 5. Section 1516.3 is added to the Health and Safety~~  
11 ~~Code, to read:~~

12 ~~1516.3. (a) Children placed in a temporary emergency~~  
13 ~~shelter shall receive medical and dental care as needed, and shall,~~  
14 ~~when possible, receive up to date immunizations.~~

15 ~~(b) Children placed in a temporary emergency shelter may be~~  
16 ~~temporarily discharged to an authorized person, as determined by~~  
17 ~~the family visitation plan established by the shelter and the~~  
18 ~~admitting parent at intake.~~

19 ~~(c) Because of the short term voluntary placement of children~~  
20 ~~in crisis nurseries, clothing shall not be labeled, assigned, or~~  
21 ~~inventoried.~~

22 ~~(d) The facility shall serve meals in a family like setting,~~  
23 ~~modeling good mealtime behavior.~~

24 ~~(e) A temporary emergency shelter may take a child up to six~~  
25 ~~years of age for the purpose of placing siblings or half-siblings~~  
26 ~~together.~~

27 ~~(f) This section shall remain in effect only until the effective~~  
28 ~~date of regulations adopted by the department pursuant to~~  
29 ~~subdivision (b) of Section 1516, and as of that date is repealed.~~

30 ~~SEC. 6. The Director of Social Services shall file a declaration~~  
31 ~~with the Secretary of State on the date that regulations are adopted~~  
32 ~~pursuant to subdivision (b) of Section 1516 of the Health and~~  
33 ~~Safety Code, that specifies the effective date of those regulations.~~

34 ~~SEC. 7.—~~

35 ~~SEC. 2. Section 1526.8 is added to the Health and Safety~~  
36 ~~Code, to read:~~

37 ~~1526.8. (a) Exceptions to group home licensing requirements~~  
38 ~~for county operated or county contracted emergency shelter care~~  
39 ~~facilities that care for children under the age of six years for no~~



1 *more than 30 days shall also apply to temporary emergency*  
2 *shelters for children under the age of six years.*

3 *(b) The department shall grant waivers allowing the use of*  
4 *volunteers as primary caregivers in a temporary emergency*  
5 *shelter for children under the age of six years, subject to*  
6 *appropriate supervision and training requirements.*

7 *(c) The department shall grant waivers allowing the use of*  
8 *modified staffing levels and requirements in a temporary*  
9 *emergency shelter for children under the age of six years, provided*  
10 *that appropriate care and supervision of children is maintained.*

11 *SEC. 3.* No reimbursement is required by this act pursuant to  
12 Section 6 of Article XIII B of the California Constitution because  
13 the only costs that may be incurred by a local agency or school  
14 district will be incurred because this act creates a new crime or  
15 infraction, eliminates a crime or infraction, or changes the penalty  
16 for a crime or infraction, within the meaning of Section 17556 of  
17 the Government Code, or changes the definition of a crime within  
18 the meaning of Section 6 of Article XIII B of the California  
19 Constitution.

